

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\* \* \* \* \*

UNITED STATES OF AMERICA

vs.

KING BELIN

\* \* \* \* \*

CRIMINAL ACTION  
No. 13-10048-FDS-1

BEFORE THE HONORABLE F. DENNIS SAYLOR, IV  
UNITED STATES DISTRICT JUDGE  
**PRETRIAL CONFERENCE**

**A P P E A R A N C E S**

UNITED STATES ATTORNEY'S OFFICE  
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Boston, Massachusetts 02210  
for the United States  
By: John A. Wortmann, Jr., AUSA

FEDERAL PUBLIC DEFENDER OFFICE  
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for the defendant  
By: Ian Gold, Esq.

Courtroom No. 2  
John J. Moakley Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210  
May 14, 2014  
1:15 p.m.

CAROL LYNN SCOTT, CSR, RMR  
Official Court Reporter  
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I N D E X

<u>WITNESS :</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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DAVID ROSMARIN

By Mr. Gold	10			
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P R O C E E D I N G S

**THE CLERK:** All rise.

Please be seated.

**MR. GOLD:** Your Honor, the doctor is in the back.

**THE CLERK:** Should I let him know?

**MR. GOLD:** Who?

**THE CLERK:** The doctor.

**MR. GOLD:** Oh, I don't think he was waiting outside. He should be on his way in.

(Pause in proceedings.)

**THE COURT SECURITY OFFICER:** Is that him?

**MR. GOLD:** No.

**THE CLERK:** No.

(Pause in proceedings.)

**MR. GOLD:** Can I just step out briefly, Your Honor?

**THE COURT:** Yes.

(Pause in proceedings.)

**MR. GOLD:** I just left him at the bathroom so I didn't ask exactly how long that would be.

**THE COURT:** Okay.

(Pause in proceedings.)

**MR. GOLD:** Can I just set up briefly, Your Honor?

1                   **THE COURT:** Yes.

2                   (Pause in proceedings.)

3                   **MR. WORTMANN:** Your Honor, can I just say for  
4 the record --

5                   (Whereupon, Dr. Rosmarin entered the courtroom.)

6                   **THE COURT:** Are we all set to go?

7                   All right. On the record, it is 1:18.

8 Mr. Wortmann.

9                   **MR. WORTMANN:** Your Honor, thanks. I just  
10 want you to understand that if there is anything that deals  
11 with representation issues, I am happy to walk out at any  
12 time. You just give me the nod and I'll go.

13                   And if it turns out that these are so intertwined  
14 you want me to go, I'll go. I don't want to be here when I  
15 shouldn't be.

16                   **THE COURT:** All right. I understand that.

17                   Let's start with you present and let's talk about  
18 mental health issues. Mr. Gold, what is going on?

19                   **MR. GOLD:** Well, Your Honor, I think  
20 Mr. Wortmann's comment was based in part from my thinking  
21 out loud with him which is that this might be a case where  
22 the issues are intertwined.

23                   Let me just report that what's happened is  
24 Dr. Rosmarin is here in the gallery. He met with Mr. Belin  
25 I think for an hour and a half, if not more, after we

1 adjourned this morning and does have an opinion which I will  
2 describe. Mister -- Dr. Rosmarin is here and available to  
3 testify. But it's, I don't know, an attorney specific  
4 opinion, that is, that Mr. Belin is under a, something like  
5 a delusion about me and that has affected his ability to  
6 confer with me and his competence to stand trial with me as  
7 his attorney. I could have Dr. Rosmarin testify. I want to  
8 confer with Mr. Belin about it briefly first.

9 But that said, the prescription might be my  
10 withdrawal. I think that might be where we end up. And  
11 given the representations I made, I think it might be best  
12 to move for a competency evaluation, have Dr. Rosmarin  
13 testify and then see where we are after he testifies.

14 **THE COURT:** Mr. Wortmann, what is your  
15 schedule today?

16 **MR. WORTMANN:** I have got a two o'clock that  
17 should last for about ten minutes, Your Honor.

18 **THE COURT:** Do you still need to meet with a  
19 witness at 1:30?

20 **MR. WORTMANN:** I prepped the witness over the  
21 phone.

22 **THE COURT:** Okay. All right.

23 **MR. WORTMANN:** And then a three o'clock.

24 And let me just say, Your Honor, that if we are  
25 going to start dealing with substantive competency issues,

1 my view is that if the doctor believes that Mr. Belin is  
2 incompetent within the meaning of 18 U.S.C., 4241, that we  
3 should have a report to that effect and then the government  
4 should have the right to have an independent examination  
5 done, usually by doctors at FMC Devens.

6 So if it's that he is incapable of working with  
7 Mr. Gold, I guess that's one thing and the solution would be  
8 to get a new lawyer. If he is incapable of working with  
9 anybody, then we want to have the opportunity to see his  
10 report and test his report by an independent examination.

11 **THE COURT:** Well, I understand. I guess I am  
12 having trouble understanding quite how this is unfolding but  
13 it seems to me that I need to hear it a step at a time.

14 It seems to me that if what we have here is an  
15 opinion that is a psychiatric or psychological diagnosis as  
16 to a particular condition that affects the representation as  
17 opposed to his competency to stand trial, I ought to at  
18 least hear what the general outline of that is. It may  
19 be --

20 **MR. WORTMANN:** I have no problem with that.

21 **THE COURT:** Maybe the government needs to  
22 respond, maybe not.

23 It is also not clear to me that hearing that  
24 opinion would necessarily reveal either attorney/client  
25 privileged information or attorney work product or defense

1 strategy or anything else that would be improper for the  
2 government to hear, Mr. Gold. In other words, suppose we  
3 put the doctor on the stand and just let him talk under oath  
4 and give a sense of where this is going and what the basis  
5 of his opinion is so I can at least understand what his  
6 viewpoint is.

7 Does that have to be ex parte? Is that necessarily  
8 going to reveal information that ought not to be revealed to  
9 the government?

10 **MR. GOLD:** Your Honor, I think it will simply  
11 inevitably reveal issues pertaining to trial strategy,  
12 opinions about the case --

13 **MR. WORTMANN:** I guess, Your Honor, if I could  
14 make a suggestion --

15 **THE COURT:** Yes.

16 **MR. WORTMANN:** -- that I'll leave. We will  
17 have the transcript. If you at the end of this conclude  
18 that this is something that I should hear, then I can go  
19 back and read the transcript.

20 **THE COURT:** Why don't we do a hybrid version  
21 of that. Why don't we put him on the stand, get his  
22 qualifications, the basis for his opinion, maybe the opinion  
23 itself, start down the path, and then if we get to a point  
24 that is sensitive, we will send you out of the room.

25 **MR. WORTMANN:** Okay. That makes sense. Thank

1       you.

2                   **THE COURT:** Is that all right, Mr. Gold?

3                   **MR. GOLD:** Yes.

4                   **THE DEFENDANT:** No, no, I object to that. I  
5       don't want him on the stand. It's supposed to be my opinion  
6       if I want him on the stand and I don't want him on the stand  
7       testifying to any of that crap about me.

8                   **THE COURT:** Well --

9                   **MR. GOLD:** Your Honor, Mr. Belin, I conferred  
10       with him briefly about this and he told me no and I went  
11       ahead talking because of the nature of the issue I'm putting  
12       forward having to do with his, Mr. Belin's, I don't know,  
13       competency to make these decisions.

14                   On the other hand, he said what he said. He said  
15       in court earlier today that he wants me off the case. The  
16       gist of Rosmarin's, Dr. Rosmarin's opinion is kind of  
17       heading in the same direction.

18                   I would move on his behalf that it would be a  
19       benefit to the Court to hear what he has to say.

20                   **THE COURT:** All right. It seems to me that if  
21       the question is should Mr. Gold be permitted to withdraw on  
22       what is almost literally the eve of trial because he and the  
23       defendant are not getting along, the answer is almost  
24       certainly not.

25                   But if there is an underlying mental health issue,



1 I think I need to explore that. And at some point, of  
2 course, both those issues touch on effective assistance of  
3 counsel in a Constitutional dimension but I think I need to  
4 hear the testimony. And I think unless anyone disagrees  
5 other than Mr. Belin that I need to hear the testimony, even  
6 over his objection, what is the government's view,  
7 Mr. Wortmann?

8 **MR. WORTMANN:** Well, Your Honor, I think  
9 Mr. Belin has a choice. If he says no testimony, then we go  
10 to trial on Monday. But we still have the issue of whether  
11 there is an underlying issue of competency which suggests  
12 that he is not competent to raise that objection.

13 **THE COURT:** Right.

14 **MR. WORTMANN:** So I think you need to go  
15 forward.

16 **MR. GOLD:** I agree, Your Honor.

17 **THE COURT:** All right. I am going to have  
18 Dr. Rosmarin take the stand and let's get started on this.

19 **THE DEFENDANT:** Can I just object to him  
20 taking the stand?

21 **THE CLERK:** Before you take the stand I will  
22 swear you in.

23 **THE COURT:** Hold on. Mr. Belin, your  
24 objection is noted. You said you do object to him going  
25 forward and that will be part of the record.

1                   **THE DEFENDANT:** Yes.

2                   **THE COURT:** All right. Go ahead.

3                   **DAVID ROSMARIN, Sworn**

4                   **THE CLERK:** Thank you. Please be seated.

5                   State your name for the record, spelling your last  
6                   name.

7                   **THE WITNESS:** David Rosmarin, R-O-S-M-A-R-I-N.

8                   **THE COURT:** Let's do the basics, the  
9                   background, qualifications and the like.

10                  **MR. GOLD:** And, Your Honor, I would seek leave  
11                  to -- I don't have Dr. Rosmarin's CV in paper form but I can  
12                  submit it after the hearing if the Court wishes.

13                  **THE COURT:** Let's just get the basics.

14                  **MR. GOLD:** Okay.

15                               **DIRECT EXAMINATION**

16                  BY MR. GOLD

17                  **Q.** Dr. Rosmarin, could you describe your current  
18                  employment.

19                  **A.** Yes, I am in the private practice of forensic  
20                  psychiatry. I am the senior forensic psychiatrist at McLean  
21                  Hospital.

22                  **Q.** Could you describe your educational background in  
23                  summary form and your professional experience after your  
24                  obtaining an MD.

25                  **A.** Yes, I have a degree in neuroscience from Colgate

1 University. I have my MD from Boston University School of  
2 Medicine.

3 **THE DEFENDANT:** Your Honor --

4 **A.** I did my internship --

5 **THE DEFENDANT:** Your Honor, I do not  
6 understand what is going on here. I just objected and are  
7 you, are you with me, lady?

8 **THE COURT:** She is taking it down, yes.

9 **THE DEFENDANT:** All right. I don't  
10 understand, I just objected to him being on the stand. I  
11 told you I didn't want you on the stand.

12 **THE COURT:** All right. I have overruled that  
13 and I am going to hear what he has to say, okay, Mr. Belin?

14 **THE DEFENDANT:** I don't want Ian Gold on my  
15 case either.

16 **THE COURT:** All right. We are going to get to  
17 that.

18 All right. An MD from BU Medical School. Go  
19 ahead.

20 **THE WITNESS:** I did my internship at Boston  
21 City Hospital. I did my psychiatric training at the  
22 University of Massachusetts Medical Center where I was chief  
23 resident in forensic psychiatry and attended Harvard Law  
24 School as a special student.

25 I have worked in several state hospitals for

1 several years. And I'm board certified in general  
2 psychiatry and was an examiner in general psychiatry for the  
3 National Boards. I am board certified in forensic  
4 psychiatry and was for some years an author of the National  
5 Exam in Forensic Psychiatry and have an active practice in  
6 forensic psychiatry.

7 BY MR. GOLD

8 Q. Are you currently, you may have mentioned this,  
9 Dr. Rosmarin, but are you currently credentialed as a  
10 forensic psychiatrist, what is that credential and how  
11 current is it?

12 A. Well, I have a license to practice psychiatry in  
13 Massachusetts, medicine and psychiatry in Massachusetts, and  
14 I'm board certified in general psychiatry and board  
15 certified in forensic psychiatry by the American Board of  
16 Medical Specialties, specifically the American Board of  
17 Psychiatry and Neurology.

18 Q. Have you ever been subjected to any form of disciplinary  
19 proceeding?

20 A. No.

21 Q. Do you have any publications to your credit?

22 A. Publications of two types, some with regard to AIDS and  
23 dangerousness. I have taught widely around assessments of  
24 competency and dangerousness and insanity and I have, I  
25 authored many classified documents during my years at CIS

1 (ph.).

2 Q. Could you elaborate a little bit on, in what context you  
3 have given trainings or taught people in this area of  
4 expertise?

5 A. I have been an invited speaker at various medical  
6 centers and at the American Academy of Psychiatry and Law  
7 where I was on the Executive Committee for several years.

8 MR. GOLD: Unless Your Honor wants to hear  
9 more of...

10 BY MR. GOLD

11 Q. Have you and I worked together before?

12 A. Yes.

13 Q. On what types of cases?

14 A. Criminal cases.

15 Q. And did there come a time when I contacted you about the  
16 case of Mr. Belin?

17 A. Yes.

18 THE DEFENDANT: Don't talk about me. Don't  
19 talk about me. Don't talk about Mr. Belin at all.

20 THE COURT: All right, I have overruled that,  
21 Mr. Belin.

22 THE DEFENDANT: I don't care. Well, I don't  
23 care. You don't care --

24 THE COURT: Mr. Belin, I am going to ask you  
25 to remain quiet.

1                   **THE MARSHAL:** Sir, do you want him removed or  
2 do you want him to stay out in the courtroom?

3                   **THE COURT:** Not yet. Mr. Belin, though, if  
4 you do keep interrupting, you may have to be removed so take  
5 that as a warning.

6                   **THE DEFENDANT:** I don't want him talking about  
7 me. He's not supposed to be talking -- he can talk about  
8 his experience and all that other stuff. Why -- he's not  
9 supposed to talk about me if I don't want him talking about  
10 me.

11                   **THE COURT:** Well, Mr. Belin, you are --

12                   **THE DEFENDANT:** That's what he told me in our  
13 meeting that we had. I don't even know how I became this  
14 patient. It's not upon my request.

15                   **THE COURT:** Well, Mr. Belin, as I understand  
16 it, you wish to get a new lawyer.

17                   **THE DEFENDANT:** Absolutely.

18                   **THE COURT:** All right. And today is Wednesday  
19 and the trial is supposed to start on Monday.

20                   **THE DEFENDANT:** That's not a problem for me.

21                   **THE COURT:** Well, it is not a problem with you  
22 but it is a problem for me, all right. And I am only going  
23 to do it if there is a good reason to. And your attorney is  
24 trying to convince me that the issue is not simply your  
25 personal preference but that there is --

1                   **THE DEFENDANT:** He just told me --

2                   **THE COURT:** Please don't interrupt me. It is  
3 not your personal preference but that there is something  
4 else going on here.

5                   **THE DEFENDANT:** It is. I'm trying to tell  
6 you, this man has told me I have no say-so on what he files.  
7 I have no say-so of what he chooses to say as far as my  
8 trial defense goes, out of his own mouth. Am I lying?

9                   **THE COURT:** Let's not --

10                  **THE DEFENDANT:** He's saying no.

11                  **THE COURT:** -- I don't want to hear the  
12 answer.

13                  **THE DEFENDANT:** He knows what he said. He  
14 knows what he said. So I don't understand. I'll take a new  
15 lawyer today and I would just fill him in and we can still  
16 go on with trial on Monday. The party needs to be broken  
17 up.

18                  **THE COURT:** All right. Your objection is  
19 noted. I want to hear what Dr. Rosmarin has to say and I  
20 may or may not --

21                  **THE DEFENDANT:** But it doesn't have to be  
22 about me. His training and experience but him talking about  
23 me is irrelevant. I objected.

24                  **THE COURT:** All right.

25                  **THE DEFENDANT:** I have no -- he is not here

1 upon my request.

2 **THE COURT:** All right. I have noted your  
3 objection and I am going to hear it and I am going to ask  
4 you to refrain from speaking while we hear the testimony.

5 BY MR. GOLD

6 **Q.** Dr. Rosmarin, when I contacted you about Dr. Belin  
7 (sic), what was -- Mr. Belin, what was the scope of the  
8 engagement that I -- the scope of the problem I described to  
9 you?

10 **A.** You described to me a series of interactions with him  
11 whereby he expressed suspicion bordering on paranoia that  
12 you were working against his best interest.

13 **Q.** And did I engage you to assist us in the case?

14 **A.** Yes.

15 **Q.** And after our court conference this morning, did you  
16 have the opportunity to continue a meeting with Mr. Belin  
17 earlier in the morning?

18 **A.** Yes.

19 **Q.** And can you describe to the Court what you did.

20 **A.** Well, I initially gave him informed consent with regard  
21 to the reasons for the meeting and the basis for the  
22 meeting.

23 **THE COURT:** I am sorry, that was this morning?

24 **THE WITNESS:** Yes, Your Honor.

25 And then I asked him if I could ask him some basic



1 questions about his background and who he was and where he  
2 came from rather than launching into a discussion about his  
3 relationship with you.

4 He was only willing to tell me extremely limited  
5 information, two or three factoids about that he's, you  
6 know, he's lived locally. He would not describe his family.  
7 He would not describe whether he had any psychiatric issues.  
8 He would only say that he is on no medications, has had no  
9 more than minor surgery for a hernia. I was not entitled to  
10 ask about family psychiatric history. I was not allowed to  
11 ask him about any upbringing or education or anything  
12 personal about him.

13 And he was rather insistent that we move on to the  
14 legal issues with regard to his distrust of you, Mr. Gold.

15 BY MR. GOLD

16 Q. And when you said you were not allowed to, you attempted  
17 to make inquiries, is that what you mean?

18 A. Yes, and to tell him that I needed to understand him as  
19 a whole person and understand what may be -- that this was  
20 standard, this was a standard medical and psychiatric  
21 evaluation is to ask about, you know, his development, his  
22 education, standard family matters, so I could understand  
23 the full bio, psychosocial setting of his life given his  
24 situation at this time.

25 And his -- I witnessed him trying to, you know,

1 object to your presence when you were first introducing me  
2 before the hearing this morning.

3 Q. And so when Mr. Belin wanted to proceed to the legal  
4 issues, is that what you did?

5 A. Yes.

6 Q. When you were in the, as a forensic psychiatrist, when  
7 you're in this type of situation, how do you conduct,  
8 typically how do you conduct an evaluation in these  
9 circumstances?

10 A. Well, typically I do hear the concerns that the Court or  
11 the attorney raises with me. And then I almost always go  
12 straight to examining the person in a longitudinal fashion,  
13 getting a genetic background, a personal background, talking  
14 about non-charged events to understand what's going on with  
15 the person and their development and whether they have  
16 medical or psychiatric issues.

17 And then I proceed to more specifics with regard  
18 to, that would be more pertinent to the *Dusky* standard.

19 Q. And the *Dusky* standard for the benefit of the Court is,  
20 your understanding --

21 A. Well, I'll try not to mangle it; but whether he has  
22 sufficient present ability to confer with his attorney in a  
23 rational fashion, whether he has rational and factual  
24 understanding of the charges against him.

25 Q. Now, during the course of your meeting with Mr. Belin,

1 did you develop a clinical opinion?

2 **A.** I did.

3 **Q.** And what was that?

4 **A.** That --

5 **THE DEFENDANT:** I object.

6 **THE COURT:** Just give the opinion, not the  
7 basis.

8 **THE DEFENDANT:** I object.

9 **THE COURT:** Overruled.

10 **A.** That Mr. Belin has a delusion by which I mean a firm,  
11 fixed, unarguable and not fully reality-based paranoid  
12 belief that you are in cahoots with the U.S. Attorney for  
13 uncertain benefits to you and trying to sell Mr. Belin "down  
14 the river."

15 **THE COURT:** Let's pause there for a moment.

16 Is it possible to get into the basis for that,  
17 Mr. Gold, without getting into issues of defense strategy,  
18 privilege, work product and so on? In other words, the next  
19 question normally would be, "What is the basis for that  
20 opinion," I assume.

21 **MR. GOLD:** Your Honor, I think there are some  
22 data points, if you will, that I could address one by one if  
23 you allow me --

24 **THE COURT:** Why don't you do that. And,  
25 again, let's tread cautiously and we will send Mr. Wortmann

1 out of the room if we need to but let's take it a step at a  
2 time.

3 **THE WITNESS:** And, Your Honor, I can try to  
4 speak carefully.

5 **THE COURT:** Yes. Thank you.

6 BY MR. GOLD

7 **Q.** Was there -- did you discuss with Mr. Belin his  
8 conception about the filing of legal documents by the  
9 defense in the case?

10 **A.** I did.

11 **Q.** And did Mr. Belin express a belief that the legal  
12 documents that he had received were not the ones that we  
13 had, in fact, filed?

14 **A.** Correct. He indicated that the documents that you  
15 provided him were not the same ones you provided for the  
16 Court with regard to some of the legal argumentations you  
17 had provided to the Court.

18 **Q.** And how did you -- did you interrogate or ask Mr. Belin  
19 about that particular belief?

20 **A.** Yes.

21 **Q.** And what was your -- was your belief after questioning  
22 him about it that it was genuine?

23 **A.** It was genuine, it appeared genuine and firmly held  
24 while he vociferously protested that it or other examples of  
25 our conversations were evidence that he had what I told him

1 was my diagnosis of a paranoid delusion.

2 **THE DEFENDANT:** Whoa.

3 BY MR. GOLD

4 **Q.** And so, just to look back, this was one belief held by  
5 Mr. Belin that contributed to your clinical opinion?

6 **A.** Correct.

7 **Q.** Were there other beliefs espoused by Mr. Belin that  
8 contributed to your clinical opinion?

9 **A.** Yes.

10 **Q.** Is the -- did you discuss with --

11 **MR. GOLD:** Your Honor, I am just thinking,  
12 trying to think through a Scylla and Charybdis with my  
13 question.

14 **MR. WORTMANN:** Your Honor, why don't I make it  
15 easy and leave.

16 **THE COURT:** Okay. Before you do, let me ask  
17 just a couple questions.

18 You met with him for about an hour and a half  
19 total; is that right?

20 **THE WITNESS:** Yes.

21 **THE COURT:** And is there -- I know you don't  
22 have much time but is there a test or ability to -- I guess  
23 what I am driving at is a test for malingering. This is  
24 something that is new to me, let's put it that way.

25 **THE WITNESS:** Certainly, Your Honor. There

1 are certain indicia of non-malingering.

2 One, the insistent protestation that, and absolute  
3 rejection that he has any mental illness.

4 Two, his body language when I was first introduced  
5 to him towards Mr. Gold, which was sullen and angry.

6 Secondly, the -- thirdly, the various, not only the  
7 content of his statements but the form. So when I say  
8 "content," he had paranoid constructs but the form of his  
9 thinking, so-called formal thought disorder, meaning that  
10 some of the logic of what he was saying was not logical.

11 So oftentimes malingerers will mangle psychotic  
12 content but their form of their thinking, the logical way in  
13 which they think is preserved and he had problems in both of  
14 those areas.

15 Another support for non-malingering is that his  
16 secondary gain, as I understand it in this case, is not to  
17 evade trial, in fact, it is quite the opposite, but rather  
18 to avoid having representation by Mr. Gold. He rather  
19 avidly wants to have a trial and, in fact, in my opinion he  
20 has an unrealistic belief that he will be exonerated based  
21 on constitutional matters, almost in a matter, almost by  
22 deus ex machina via a jury nullification or intervention by  
23 the First Circuit Court of Appeals in rather short order.

24 **THE COURT:** All right. Mr. Wortmann, why  
25 don't you step out momentarily and we will make, we will

1 proceed ex parte and with a sealed transcript from this  
2 point forward.

3 **MR. WORTMANN:** Your Honor, would it be all  
4 right if I run up to my office to pick up some papers for my  
5 next hearing?

6 **THE COURT:** Yes.

7 **MR. WORTMANN:** Okay. Thank you.

8 (Whereupon, Mr. Wortmann exited the courtroom at  
9 1:45 p.m.)

10 (Whereupon, a portion of the proceedings were  
11 sealed and transcribed under separate cover.)

12 **THE COURT:** All right. Mr. Wortmann is back  
13 in the courtroom so we will be back on the record or rather  
14 it is no longer ex parte and this transcript, part of the  
15 transcript will not be sealed.

16 Mr. Wortmann, basically what we did is we heard  
17 some more information from Dr. Rosmarin. Mr. Gold raised  
18 some additional issues with me. Mr. Belin had some dialogue  
19 with me.

20 What I proposed to do is to recess until tomorrow  
21 which would give me a chance to think about this, look at  
22 some case law, let it percolate a little bit and think about  
23 what I want to do.

24 Mr. Belin has indicated he does not want to go pro  
25 se with anyone as standby counsel. He wants a new lawyer.

1 I think, to state the obvious, if he does get a new lawyer,  
2 we won't be going to trial on Monday.

3 **MR. WORTMANN:** That's clear.

4 **THE COURT:** I don't know how long the delay  
5 would be if we did that but I want to think carefully about  
6 what I do here and so I would propose that we reconvene  
7 tomorrow.

8 (Whereupon, the Court and the Clerk conferred.)

9 **THE COURT:** Either nine a.m. or 10:30.

10 **MR. WORTMANN:** Nine a.m. would be great, Your  
11 Honor, if it works for you.

12 **MR. GOLD:** That's fine.

13 **THE COURT:** Nine a.m.

14 **MR. WORTMANN:** Does the marshal have any  
15 concern that he would be here by then?

16 **THE MARSHAL:** No, sir. We're here at nine  
17 a.m.

18 **MR. WORTMANN:** Well, the transport --

19 **THE COURT:** All right. Let's reconvene  
20 tomorrow at nine a.m.

21 If either of you or both of you want to file  
22 anything in writing or even an email with some cases  
23 attached, it might help point me in some direction and I  
24 would be happy to accept that.

25 **MR. WORTMANN:** I am a little bit blind but,



1 you know, Your Honor, the standards for, at least the  
2 standards for competency are fairly well set forth.

3 **THE COURT:** Again, I don't see this is a 4241  
4 situation is he competent to stand trial. I mean, at least  
5 as far as his mental health issue is concerned, as framed by  
6 Dr. Rosmarin, I don't have any other information, it is  
7 basically described as a focused, I mean, accepting, because  
8 that is not a diagnosis, the description, I am accepting the  
9 description at face value as a delusion or paranoia focused  
10 on Mr. Gold.

11 **MR. WORTMANN:** So to make things clear, Your  
12 Honor, no one in this courtroom, including the doctor, is  
13 recommending that there is a general competency issue or  
14 recommending that a competency hearing be held?

15 **THE COURT:** That's my understanding at this  
16 point. Do you agree? And I know you only have a limited  
17 amount of information but that's -- do you agree with that?

18 **THE WITNESS:** If I can just say, Your Honor --

19 **THE COURT:** Yes.

20 **THE WITNESS:** -- my opinion is that he is not  
21 able to work with Mr. Gold in a rational fashion.

22 It is my further opinion that he may be able to  
23 work with another attorney.

24 It is my further opinion that this would be more  
25 likely to be successful than, for example, antipsychotic

1 medication.

2 And it is my opinion that he does not have the  
3 capacity with regard to his ability to work with Mr. Gold  
4 and his paranoid delusion about Mr. Gold, that is often  
5 associated with judicial findings of competency to stand  
6 trial.

7 **THE COURT:** All right. At least, other than  
8 what you described, we don't have any additional information  
9 concerning his competency to stand trial?

10 **THE WITNESS:** Well, Your Honor, I did describe  
11 his rather magical beliefs that he is not in full legal  
12 jeopardy with regard to the length of incarceration and as I  
13 described, sort of deus ex machina intervention and sort of  
14 magical thinking but not fully delusional.

15 And I used "magical thinking" in the clinical term  
16 where it means somewhere between unrealistic and, frankly,  
17 psychotic.

18 **THE COURT:** Okay.

19 **THE WITNESS:** I think he is psychotic with  
20 regard to Mr. Gold.

21 **THE COURT:** All right. So at least one of the  
22 options on the table then -- and I am not saying I am going  
23 to do this -- but one of the options on the table is a  
24 competency proceeding under 4241. That is at least one of  
25 the choices here.

1                   **MR. WORTMANN:** Right.

2                   **THE COURT:** And I am sorry if I misspoke,  
3 Dr. Rosmarin.

4                   **THE DEFENDANT:** Your Honor, I've got a  
5 question.

6                   **THE COURT:** Yes.

7                   **THE DEFENDANT:** What does being psychotic  
8 towards Mr. Gold mean? Because I don't know what that  
9 means.

10                  **THE COURT:** Well, I am going to let the  
11 testimony stand for itself rather than try to explain it.

12                  **THE DEFENDANT:** You're allowing it.

13                  **THE COURT:** I am allowing it?

14                  **THE DEFENDANT:** Yeah, you're allowing the  
15 testimony.

16                  **THE COURT:** Well, I am allowing the testimony.  
17 It is helpful to you in the sense, Mr. Belin, that it may  
18 achieve your desired goal of changing counsel, which I  
19 probably otherwise would simply deny. But I am going to  
20 think about this, think about the testimony, what my options  
21 are and we will reconvene tomorrow morning at nine a.m. and  
22 talk about where we go from here.

23                  **MR. WORTMANN:** Thank you, Your Honor.

24                  **MR. GOLD:** Thank you, Judge.

25                  **THE COURT:** All right. Thank you.

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(WHEREUPON, the proceedings were recessed at 2:20  
p.m.)

C E R T I F I C A T E

I, Carol Lynn Scott, Official Court Reporter for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes taken in the aforementioned matter to the best of my skill and ability.

/S/CAROL LYNN SCOTT

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**DATE: June 30, 2014**